

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | 1:05-CR-138 |
| v. |) | JUDGE COLLIER |
| |) | MAGISTRATE JUDGE LEE |
| KENIO MARSHALL |) | |

REPORT AND RECOMMENDATION

Counsel for defendant Kenio Marshall requested a psychiatric/psychological evaluation of defendant on December 20, 2005 [Doc. No. 18] and an order was entered on December 27, 2005 allowing said evaluation [Doc. No. 21]. An April 17, 2006 letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons in Lexington, Kentucky, and a Forensic Evaluation of defendant Kenio Marshall, were received by the Court. The findings in the evaluation are the defendant is not suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, and the defendant was sane at the time of the alleged offense. Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on May 9, 2006 [Doc. No. 28]. On the basis of the waiver and the evaluation, it is **RECOMMENDED** the Court find defendant Kenio Marshall competent to understand the nature and consequences of the proceedings against him and able to assist in his defense, and further find defendant is competent to stand trial.

SO ORDERED:

ENTER.

s/ Susan K. Lee
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE